

SUPPLEMENT TO THE INITIAL STATEMENT OF REASONS

CALPIA Personnel Regulations

OAL Notice File Number 2014-1110-02, including the Initial Statement of Reasons, is incorporated by reference. CALPIA has determined the following amendments and supplements shall be included in the Initial Statement of Reasons:

Information Digest/Policy Statement Overview

New subsections 8004(4)(A) and (B) As stated in the Initial Statement of Reasons, these subsections are comprised of language that was moved from Section 8004.3(c) in the original proposed text. To provide clarity to Initial Statement of Reasons, these subsections were newly created.

New subsections 8004(c)(4)(A), 8004(c)(4)(B), and 8004(c)(4)(C) were newly created and added to subsection 8004(c)(4) to reformat and create an outline of circumstances that will exclude CALPIA inmates from having computer access. The Initial Statement of Reasons explained all newly, added, proposed text for subsections 8004(c)(4)(A),(B),and(C) however, it did not explain that these new subsections were created for an outline purpose. The Initial Statement of Reasons for the proposed text remains the same for subsection 8004(c)(4) and new subsections 8004(c)(4)(A), 8004(c)(4)(B), and 8004(c)(4)(C). To provide more clarity, the following is added:

New Subsection 8004(c)(4)(A) is added in the original proposed language to bring CALPIA regulations in compliance with subsection 3041.3(j) of Title 15 and Section 49020.18.1 of CDCR's Department Operations Manual (DOM). CDCR regulates the exclusion of computer access to inmates convicted of computer fraud or abuse, as defined in Penal Code section 502. This regulation is needed to keep CALPIA inmate computer access consistent and compliant with CDCR's regulations and policies. This new subsection will also inform CALPIA inmates, who are convicted of crimes described in Penal Code section 502, when and why they will be denied computer access of any kind. CALPIA's original regulation was vague and did not specifically define computer related crimes that barred CALPIA inmates from computer access.

As specified in CCR, Title 1, Section 12(b)(1), the CALPIA acknowledges the language contained within this regulation is similar to regulation found in subsection 3041.3(j) of Title 15. In justifying the similarity of the regulations, the CALPIA contends Government Code section 11349.1(a)(3) is satisfied because clarity is needed to establish rules for inmates assigned to CALPIA and working under the supervision of CALPIA staff. CALPIA's current regulatory language excludes inmates from clerical positions if convicted of computer abuse. There are many other positions/assignments in CALPIA with computer access and the language should extend to all such positions, not just clerical. Amending this regulation to define computer abuse and eliminate all computer access when necessary and bring CALPIA in compliance with CDCR rules. Although similar, this regulation is needed for CALPIA staff to apply to CALPIA inmates for consistency and safety reasons. CALPIA must follow CDCR's rules as much as possible.

New Subsections 8004(c)(4)(B) is added in the original proposed language and is necessary to exclude inmates from computer access within CALPIA if they have been convicted of telephone abuse/fraud as described in Penal Code section 2702. This new subsection determines when and why certain CALPIA inmates will be denied computer access of any kind while assigned to CALPIA. CALPIA's original regulation was vague and did not specifically define telephone related crimes that barred CALPIA inmates from computer access.

New Subsections 8004.2(b)(1),(2),(3),(4) and (5) are added to original proposed text to list the different types of information inmates will need to submit on informational forms. For clarity purposes, the Initial Statement of Reasons explains the need for these new subsections under 'Section 8004.2.'

Subsection 8004.2(c) is amended to move language that requires inmates to complete informational forms for CALPIA assignments to subsection 8004.2(b). New language was added to subsection 8004.2(c) which requires inmates to submit their completed informational forms to be screened and considered for a CALPIA assignment. This language is necessary to ensure inmates understand it is their responsibility to follow the rules and submit their own forms.

Subsection 8004.2(f)(2) is amended to move language regarding 'final selection of inmates' to new, renumbered subsection 8004.2(f)(3). To provide more clarity, moving the language this is necessary to provide a clear sequence of events. The process of interviewing inmates must happen before the final selection can be determined as described in subsection 8004.2(f)(3). The language moved to subsection 8004.2(f)(3) did

not create any substantial changes because moving language does not alter its meaning. For clarity purposes, the word 'list' was added to clarify the ICP (Inmate Candidate Pool) is a list. The list will be used to interview inmates for CALPIA assignments.

Subsection 8004.2(f)(A) is renumbered to new subsection 8004.2(f)(3) and amended for clarity reasons. The word 'shall' was unnecessary and duplicative because 'shall' is already stated in subsection 8004.2(f). Some grammatical changes to new subsection 8004.2(f)(3) were made which did not create substantial changes.

Subsection 8004.3(a) is amended to make the following revisions:

1. The original, regulatory language regarding reasonable suspicion drug testing is moved to new subsection 8004.3(a)(3). Moving this language was necessary to place it in a list format of subsection 8004.3(a). The language moved to new subsection 8004.3(a)(3) did not create any substantial changes because moving language does not alter its meaning.
2. Descriptive language is added to provide clarity for requesting drug tests on inmates assigned to CALPIA. The new language added to subsection 8004.3(a) is necessary to bring CALPIA regulations in compliance with CDCR's Department Operations Manual (DOM) regarding inmate drug testing. Section 51121.4.3 of the DOM requires specific CALPIA staff (Administrators/Lead Managers) to request drug testing on inmates assigned to CALPIA. The previous regulatory language of subsection 8004.3(a) stated, "CALPIA shall contact the Investigative Services Unit (ISU) Lieutenant for the purpose of testing." This language was vague and did not specify that Administrators/Lead Managers are responsible to make this request for drug testing. This new language will provide clarity, comply with the DOM language, and designate specific staff to follow specific instructions when requesting drug tests for inmates assigned to CALPIA.

New Subsection 8004.3(a)(1) is added to list the circumstances that require drug testing of inmates assigned to CALPIA. Subsection 8004.3(a)(1) cross references subsection 8004.2(h) which pertains to drug testing requirements of newly appointed inmates to CALPIA. Because new hires will be required to submit to drug testing, it is important to add this detail to the list of reasons inmates will be drug tested. If subsection 8004.2(h) were not cross referenced in the list of reasons, it may be overlooked or difficult to find when researching drug testing requirements of CALPIA inmates.

New Subsection 8004.3(a)(3) was not amended as the Initial Statement of Reasons stated. New subsection 8004.3(a)(3) was created from text 'when there is reasonable suspicion to believe that an inmate is under the influence of a controlled substance or alcohol' that was moved from subsection 8004.3(a). Moving the original, unchanged language to create subsection 8004.3(a)(3) did not cause any substantial changes because moving language is not equivalent to altering language. This language was moved to

properly fit into the new list format. Because subsection 8004.3(a) provides a list of causes for drug testing, new subsection 8004.3(a)(3) regarding 'reasonable suspicion' was moved into the list as one of the causes.

Subsection 8004.3(b) The original language of this section described an inmate's ineligibility from the CALPIA program in the event of a drug violation as described in CCR, Title 15, Division 3, Section 3016. The original language of subsection 8004.3(b) was moved to new subsection 8004(b)(4) which properly places the language into a list of circumstances that cause ineligibility for the CALPIA program. Moving the original, unchanged language to create new subsection 8004(b)(4) did not cause any substantial changes because moving language does not alter the meaning.

Subsection 8004.3(c) was amended to:

1. Move some language to subsection 8004(b)(4); the original text of subsection 8004.3(c) describing the following circumstances was moved to subsection 8004(b)(4):

- (1) an inmate is found in violation of drug restrictions (pursuant to section 3016 of Title 15); and
- (2) removed from CALPIA as a result; and
- (3) is ready to re-apply for a CALPIA assignment.

It is necessary to move the original language because subsection 8004(b) is designed to list circumstances that render an inmate ineligible for the CALPIA program. The language fits properly into the list.

2. Add a cross reference to subsection 8004(b)(4) to easily identify minimum requirements an inmate must fulfill if found in violation of Section 3016.